

### **Remarks**

The present amendment is in response to the Office Action dated June 09, 2009. Claims 1, 2, 4, and 18 have been amended. No new matter has been added. An Information Disclosure Statement containing an English translation of JP 05-61272 has been filed herewith to supplement Applicant's remarks in view of the most recent Office Action. Applicant respectfully requests reconsideration of the present application in view of the present amendment.

#### **35 U.S.C. 112 Rejections and Objection to the Specification**

Claim 4 has been rejected under 35 U.S.C. 112, first and second paragraph and the specification has been objected to for not providing proper antecedent basis for claim 4. Applicant respectfully submits that the language of claim 4 was taken nearly word for word from the specification and therefore was adequately disclosed and satisfied the requirements of 35 U.S.C. 112, first and second paragraph. Without acquiescing in the Examiner's rejections, Applicant has amended claim 1 to incorporate the language of claim 4 as it stood prior to this amendment with some minor changes to the wording to make it more clear.

As noted in the prior amendment, "[t]he basic structure of the flush toilet according to the seventh embodiment [(Figures 19 to 25)] is the same as that of the flush toilet according to the fifth embodiment explained above (see Figures 13 to 15) but differs therefrom in that it is equipped with a water-conserving tank. . ." (Specification, page 21, lines 17-22). The shape of the bowl and location of the water spouts, which are the cause for the rejections, are therefore the same as those described in the specification with reference to Figs. 19-25.

The shape of the bowl and the location of the water spouts, as claimed, are clearly disclosed on pages 22 and 23 of the specification. "The locations where the first and second water spouts 11, 12 are disposed will be explained with reference to Figure 21 before going into an explanation of the shape of the shelf. The bowl 2 . . . is substantially elliptical and thus laterally symmetrical as viewed from the front. On the whole, moreover, the radius of curvature is

relatively large at the #17-#4 region and the #8-#12 region and relatively small at the #4-#8 region and the #12-#17 region." (Specification, page 22, line 24 to page 23, line 1).

"Viewing the locations of the first and second water spouts 11, 12 in relation to the radius of curvature of the bowl 2, it can be seen that the first water spout 11 is positioned on one side of the bowl relative to its fore-aft direction (left side as viewed from the front in FIG. 21) at a point (#0) near the point (#17) where the radius of curvature of the bowl changes from a smaller value to a larger value and the second water spout 12 is positioned on the other side (right side) of the bowl at a point (#13) near the point (#12) where the radius of curvature of the bowl changes from a larger value to a smaller value." (Specification, page 23, lines 2-10).

Accordingly, claim 1 (with incorporated claim 4) is supported almost verbatim from the specification, with minor changes to make it read more easily. Applicant therefore submits that claim 1 complies with the requirements of 35 U.S.C. 112, first and second paragraph and that the specification contains the language present in the claim. The withdrawal of the rejection under 35 U.S.C. 112, first and second paragraph to claim 1 and the objection to the specification is respectfully requested.

Claim Rejections under 35 U.S.C. 102

Claims 1, 2, and 18 have been rejected under 35 U.S.C. 102(b) as being anticipated by JP 05-61272. Applicant respectfully requests reconsideration in view of the following remarks.

Claim 1, as amended, incorporates the language of claim 4 which recites that the first and second water spouts are located on opposite sides of the fore-aft axis and that they are located at points adjacent where the radius of the curvature changes from relatively large to relatively small, i.e. the portion between the aft of the bowl and the sides of the bowl. JP 05-61272 teaches a bowl in which the two spouts are mutually opposed and both located on the fore-aft axis. They are not located adjacent a point where the radius of the curvature switches from

a large value to a small value or vice versa, rather they are located at the fore and aft sections of the bowl which both have relatively small radii of curvature in the region of the spouts.

Claim 2, as amended, recites the toilet of claim 1 wherein the second water channel makes a substantially horizontal U-turn prior to forming the second water spout. JP 05-61272 does not teach that the second water channel makes a horizontal U-turn in order to double-back and spout water in the same direction as the vortex.

Claim 18, as amended, is substantially similar to amended claim 1 with the limitations of claims 2, 3 and 5 also incorporated. Claim 18 therefore further comprises a jet hole section arranged to spout water toward the inlet of the drainage channel and recites that the second spout makes a substantially horizontal U-turn and that the first spout supplies more cleansing water than the second spout. As described above with reference to claim 1, JP 05-61272 does not teach the locations of the spouts as claimed in claim 18. JP 05-61272 also does not include a jet hole section and is silent on the horizontal U-turn and the first spout supplying more cleansing water than the second spout.

Accordingly, Applicant respectfully submits that claims 1, 2, and 18 are not anticipated by JP 05-61272 and request the withdrawal of the rejection under 35 U.S.C. 102 to said claims.

*Claim Rejections under 35 U.S.C. 103*

Claims 3-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05-61272 in view of U.S. Patent No. 6,145,138 to Nakamura et al., hereinafter "*Nakamura*." Applicant respectfully requests reconsideration in view of the following remarks.

As described above, JP 05-61272 does not teach the invention of claim 1, from which claims 3-12 depend. Claims 3-12 are therefore patentable for at least the same reasons as above, as well as for their individual limitations.

Amended claim 1 incorporates the language of claim 4 prior to this amendment, which is not taught or suggested by JP 05-61272 or *Nakamura*. The two discharge openings 4 and 5 are not located at a location adjacent a point where the radius of curvature changes from small to large or large to small and they also do not both direct water onto a shelf of the bowl in the same direction. Rather, *Nakamura* is "provided with a flush water discharge section which comprises with a downwardly discharging opening 4 for discharging flush water downwardly and a transversely discharging opening 5 for discharging flush water transversely." (*Nakamura*, Col. 9, lines 58-62). As can be seen in Figs. 2 and 4, the openings 4 and 5 are located at the aft portion of the bowl and not near any significant change in radius of curvature of the bowl.

Also, the opening 4 clearly does not supply cleansing water in the same direction of the vortex, but rather the water from opening 4 is "discharged in a generally perpendicular direction toward the water chamber W and acts in the direction pushing a waste product excreted in the water chamber W into the drain path 23." (*Nakamura*, Col. 10, lines 30-34). A different embodiment of *Nakamura* discloses two discharge outlets 51 and 52 (seen in Fig. 22), however these outlets "discharge flush water in opposite directions and flow the flush water in opposite directions along the flush water passage 16." (*Nakamura*, Col. 14, lines 42-45). This is in direct contrast to the invention of claim 1, where the two spouts supply water in the same vortex direction.

Regarding claims 5 and 6, JP 05-61272 is completely silent on the relative amounts of water supplied from the two spouts. Since the spouts of JP 05-61272 are mutually opposed, it is likely that the same amount of water is supplied to both as both spouts cover equal amounts of the bowl. There is no motivation or suggestion for JP 05-61272 to supply more water to one spout over the other, and especially not in the ranges stated in claim 6.

Accordingly, Applicant respectfully submits that claims 3 and 5-12 are patentable over JP 05-61272 in view of *Nakamura* and request the withdrawal of the rejection under 35 U.S.C. 103(a) to claims 3 and 5-12.

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,  
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